

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:
SHERONTA L. JOHNSON

Debtor.

In Proceedings
Under Chapter 13

Bk. No.: 14-30682

TRUSTEE'S RESPONSE TO APPLICATION FOR COMPENSATION

COMES NOW, RUSSELL C. SIMON, Chapter 13 Trustee, by and through his attorney, R. Samuel Boughner, and for his Response to the Application for Compensation, states as follows:

1. The instant case was commenced on April 25, 2014.
2. The attorney of record at the time of filing of said case was William A. Mueller.
3. The Disclosure of Compensation of Attorney for Debtor (2016(B)) indicated that Mr. Mueller was to receive \$4,000.00 for legal services in conjunction with the filing of the instant case, that \$18.00 was received prior to filing the case, and that \$3,982.00 was the remaining balance due.
4. On April 25, 2014, the Debtor filed a Chapter 13 Plan (Docket #2) providing for the payment of \$3,982.00 to Mr. Mueller under an election of a "flat fee" to be paid through the plan.
5. On September 29, 2014, a Notice of Substitution of Counsel (Docket #26) was filed with the Court substituting J.D. Graham as counsel for the Debtor.
6. On October 8, 2014, attorney J.D. Graham filed a Disclosure of Compensation by Attorney for Debtor (2016(B)) (Docket #29) indicating that Mr. Graham was to receive \$4,000.00 for legal services, that \$0.00 was received prior to filing the case, and that \$4,000.00 was the remaining balance due.
7. On October 8, 2014, attorney William Mueller filed an Application for Compensation (Docket #30) seeking compensation for the legal services provided in this case in the amount of \$2,302.50.
8. The Trustee has no objection to the amount of the compensation requested. However, the

Trustee files this objection to set forth that any approval of such compensation should be subject to further limitations, as follows:

- a. The Application for Compensation requests approval for the legal services provided in this case in the amount of \$2,302.50. Meanwhile, attorney J.D. Graham has simultaneously requested that he be paid compensation for legal services in this case in the amount of \$4,000. The Trustee would contend that the combined amount of the compensation that should be awarded in this case should be limited to the “flat fee” amount of \$4,000 as initially requested in the Debtor’s Chapter 13 Plan. As such, the Trustee would contend that any Order entered approving Mr. Mueller’s Application for Compensation should also contain language to limit on the remaining amount of compensation for legal services available in this case to \$1,697.50.¹
- b. The total amount of the compensation requested by Mr. Mueller is \$2,302.50. As Mr. Mueller received \$18.00 in compensation prior to the filing of this case, any Order entered approving the compensation should specifically provide that the amount being approved is inclusive of, and not in addition to, the \$18.00 payment received prior to filing the bankruptcy case.

Wherefore, the Trustee prays that should this Court enter an Order approving Mr. Mueller’s Application for Compensation, that the Order be entered subject to the further limitations as set forth in paragraph 8(a) and 8(b) above, and for all other relief this Court deems just and equitable.

Respectfully Submitted,

/s/ R. Samuel Boughner
R. SAMUEL BOUGHNER, ARDC#6315222
RUSSELL C. SIMON, Trustee
Chapter 13 Trustee
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¹ \$4,000 (flat fee) - \$2,302.50 (Mr. Mueller compensation) = \$1,697.50.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was mailed to the following interested parties who have not been electronically notified this 16th day of October, 2014, with the correct postage prepaid and deposited in the U.S. Mail.

Sheronta L. Johnson
2306 Richland Praire Blvd.
Belleville, IL 62221

J.D. Graham
1103 Frontage Rd.
O'Fallon, IL 62269

William A. Mueller
5312 West Main St.
Belleville, IL 62226

/s/ R. Samuel Boughner
R. SAMUEL BOUGHNER, ARDC#6315222
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